

APPLICANT(S): BARAK, Ilan et al.
SERIAL NO.: 10/026,677
FILED: December 27, 2001
Page 10

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Office Action and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-29 are pending in the application. Claims 1-3, 8, 11-14, 16, 19, 21-22, 24 and 26 have been amended.

Applicants respectfully assert that the amendments to the claims add no new matter.

Remarks to the Specifications

The Office Action suggested an Arrangement of the Specification guidelines to be used by the Applicants. Applicants, thank the Examiner for the suggestion and respectfully submit that the Specification complies with all the relevant formal requirements.

Remarks to the Abstract

The Office Action remained the Applicants of the proper language and format for an abstract of the disclosure. Applicants, respectfully submit that the abstract complies with all the relevant formal requirements.

Drawings Rejections

The drawings have been objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include certain reference characters mentioned in the description. Applicants respectfully submit that the missing reference numbers in Figures 1, 6 and 7 have

APPLICANT(S): BARAK, Ilan et al.
SERIAL NO.: 10/026,677
FILED: December 27, 2001
Page 11

been added. Figure 4 has been amended to correct a typographical error. Accordingly, Applicants respectfully request to withdraw the objections to the drawings.

CLAIM REJECTIONS

35 U.S.C. § 103 Rejections

The Office Action rejected claims 1-11 and 22-29 under 35 U.S.C. § 103(a), as being unpatentable over Dent (US 6,133,788) in view of Nielsen et al. (US 6,633,199). Applicants believe this rejection has been overcome in view of the amendments made above and the remarks that follow.

Regarding amended independent claims 1, 8, 22 and 26, the independent claims include limitations that are not disclosed or suggested by the combination of Dent and Nielsen et al..

It is well established that obviousness requires a teaching or a suggestion by the prior art of all the elements of a claim (M.P.E.P. §2142). Without conceding the appropriateness of the combination, Applicants respectfully submit that the combination of Dent and Nielsen et al. does not meet the requirements of an obvious rejection in that neither of the references disclose or suggest the element of "...varying, either a phase difference between first and second outphased signals or an amplitude of the first and second outphased signals ...based on an adaptive function" as claimed in amended claims 1, 8, 22 and 26.

Since Dent and Nielsen et al., taken separately, are devoid of any teaching or suggestion of the limitations recited in amended independent claims 1, 8, 22 and 26 the combination of Dent and Nielsen et al. must necessarily be devoid of the required teaching or suggestion of all the elements recited in amended independent claims 1, 8, 22 and 26. Consequently, the combination cannot make Applicants amended independent claims 1, 8, 22 and 26 obvious.

Accordingly, Applicants respectfully request that the rejection of claims 1, 8, 22 and 26 under 35 U.S.C. § 103(a) be withdrawn.

APPLICANT(S): BARAK, Ilan et al.
SERIAL NO.: 10/026,677
FILED: December 27, 2001
Page 12

Applicants note that claims 2-7 depend from amended independent claim 1, that each of claims 9-11 depend, directly or indirectly, from amended independent claim 8, that each of claims 23-25 depend, directly or indirectly, from amended independent claim 22 and that each of claims 27-29 depend, directly or indirectly, from amended independent claims 26. Accordingly, in addition to any independent bases for patentability, Applicants respectfully submit that claims 2-7, 9-11, 23-25, and 27-29 are similarly patentable over the cited references by virtue of at least such dependency.

Furthermore, Applicants note that Nielsen et al. is not cited in the Office Action as curing and does not, in fact, cure the deficiencies identified above in the Dent reference. In this regard, without conceding the appropriateness of the combination of Dent and Nielsen et al. or the characterization of such references vis a vis claims 2-7, 9-11, 23-25, and 27-29, Applicants respectfully submit that the combination of the Dent and Nielsen et al. references fails to disclose or fairly suggest that which is claimed in claims 2-7, 9-11, 23-25, and 27-29.

Accordingly, Applicants respectfully requests that the rejection of claims 2-7, 9-11, 23-25, and 27-29 under 35 U.S.C. § 103(a) be withdrawn.

The Office Action rejected claims 12-15 under 35 U.S.C. § 103(a), as being unpatentable over Dent (US 6,133,788) in view of Nielsen et al. (US 6,633,199) and further in view of Alinikula (US 5,786,728).

Regarding amended independent claim 12 the independent claim includes limitations that are not disclosed or suggested by the combination of Dent, Nielsen et al. and Alinikula.

It is well established that obviousness requires a teaching or a suggestion by the prior art of all the elements of a claim (M.P.E.P. §2142). Without conceding the appropriateness of the combination, Applicants respectfully submit that the combination of Dent, Nielsen et al. and Alinikula does not meet the requirements of an obvious rejection in that neither of the references disclose or suggest the element of "...varying, either a phase difference between first and second outphased signals or an amplitude of the first and second outphased signals based on properties of an adaptive function" as claimed in amended independent claim 12.

Since Dent, Nielsen et al. and Alinikula, taken separately, are devoid of any teaching or suggestion of the limitations recited in amended independent claim 12 the combination of

APPLICANT(S): BARAK, Ilan et al.
SERIAL NO.: 10/026,677
FILED: December 27, 2001
Page 13

Dent, Nielsen et al. and Alinikula must necessarily be devoid of the required teaching or suggestion of all the elements recited in amended independent claim 12. Consequently, the combination cannot make Applicants' amended independent claim 12 obvious.

Accordingly, Applicants respectfully request that the rejection of claim 12 under 35 U.S.C. § 103(a) be withdrawn.

Applicants note that claims 13-15 depend, directly or indirectly, from amended independent claim 12. Accordingly, in addition to any independent bases for patentability, Applicants respectfully submit that claims 13-15 are similarly patentable over the cited references by virtue of at least such dependency.

Furthermore, Applicants note that Alinikula is not cited in the Office Action as curing and does not, in fact, cure the deficiencies identified above in the Nielsen et al. and/or Dent references. In this regard, without conceding the appropriateness of the combination of Dent and Nielsen et al. and Alinikula or the characterization of such references vis a vis claims 13-15, Applicants respectfully submit that the combination of the Dent, Nielsen et al. and Alinikula references fails to disclose or fairly suggest that which is claimed in claims 13-15.

Accordingly, Applicants respectfully requests that the rejection of claims 13-15 under 35 U.S.C. § 103(a) be withdrawn.

The Office Action rejected claims 16-21 under 35 U.S.C. § 103(a), as being unpatentable over Dent (US 6,133,788) in view of Nielsen et al. (US 6,633,199) and further in view of Wallace et al. (US 6,147,653).

Regarding amended independent claim 16 the independent claim includes limitations that are not disclosed or suggested by the combination of Dent, Nielsen et al. and Wallace et al..

It is well established that obviousness requires a teaching or a suggestion by the prior art of all the elements of a claim (M.P.E.P. §2142). Without conceding the appropriateness of the combination, Applicants respectfully submit that the combination of Dent, Nielsen et al. and Wallace et al. does not meet the requirements of an obvious rejection in that neither of the references disclose or suggest the element of "...a non shared portion of the automatic level control loop is able to provide the outphased signal generator first and second control

APPLICANT(S): BARAK, Ilan et al.
SERIAL NO.: 10/026,677
FILED: December 27, 2001
Page 14

signals which are, in combination, able to vary either, a phase difference between first and second outphased signals or an amplitude of the first and second outphased signals..." as claimed in amended independent claim 16.

Since Dent, Nielsen et al. and Wallace et al., taken separately, are devoid of any teaching or suggestion of the limitations recited in amended independent claim 16, the combination of Dent, Nielsen et al. and Wallace et al. must necessarily be devoid of the required teaching or suggestion of all the elements recited in amended independent claim 16. Consequently, the combination cannot make Applicants' amended independent claim 16 obvious.

Accordingly, Applicants respectfully request that the rejection of claim 16 under 35 U.S.C. § 103(a) be withdrawn.

Applicants note that claims 17-21 depend, directly or indirectly, from amended independent claim 16. Accordingly, in addition to any independent bases for patentability, Applicants respectfully submit that claims 17-21 are similarly patentable over the cited references by virtue of at least such dependency.

Furthermore, Applicants notes that Wallace et al. is not cited in the Office Action as curing and does not, in fact, cure the deficiencies identified above in the Nielsen et al. and/or Dent references. In this regard, without conceding the appropriateness of the combination of Dent, Nielsen et al. and Wallace et al. or the characterization of such references vis a vis claims 17-21, Applicants respectfully submit that the combination of the Dent, Nielsen et al. and Wallace et al. references fails to disclose or fairly suggest that which is claimed in claims 17-21.

Accordingly, Applicants respectfully requests that the rejection of claims 17-21 under 35 U.S.C. § 103(a) be withdrawn.

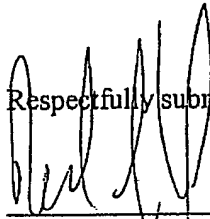
APPLICANT(S): BARAK, Ilan et al.
SERIAL NO.: 10/026,677
FILED: December 27, 2001
Page 15

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 05-0649.

Respectfully submitted,



Mark S. Cohen
Attorney for Applicant(s)
Registration No. 42,425

Dated: October 21, 2004

Eitan, Pearl, Latzer & Cohen Zedek, LLP.
10 Rockefeller Plaza, Suite 1001
New York, New York 10020
Tel: (212) 632-3480
Fax: (212) 632-3489